

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RAYMOND T. BALVAGE,

Plaintiff,

v.

RYDERWOOD IMPROVEMENT AND  
SERVICE ASSOCIATION, INC.,

Defendant.

CASE NO. C09-5409 BHS

ORDER DENYING MOTION  
FOR RECONSIDERATION

This matter comes before the Court on Plaintiffs' motion for reconsideration (Dkt. 219). The Court has considered the pleadings filed in support of the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

On November 2, 2012, Plaintiffs filed their third amended complaint against RISA asserting three claims for relief, including that RISA committed acts in violation of 42 U.S.C. § 3617. Dkt. 169 ¶¶ 78–83 (“retaliation claim”).

On April 18, 2013, RISA filed a motion for summary judgment on Plaintiffs' retaliation claim. Dkt. 186. On May 28, 2013, the Court granted the motion in part and

1 denied it in part. Dkt. 207. On June 10, 2013, Plaintiffs filed the instant motion for  
2 reconsideration. Dkt. 219.

3 Motions for reconsideration are disfavored. The court will ordinarily deny such  
4 motions in the absence of a showing of manifest error in the prior ruling or a showing of  
5 new facts or legal authority which could not have been brought to its attention earlier  
6 with reasonable diligence. Local Rule CR 7(h)(1).

7 In this case, Plaintiffs have failed to meet their burden for reconsideration.  
8 Plaintiffs seek reconsideration based on “new material that was not provided to the Court  
9 in connection with the prior motion for summary judgment.” Dkt. 219 at 2. The new  
10 material is Plaintiffs’ prior state court class action complaint and allegations in that  
11 complaint that Defendant had engaged in retaliatory action prior to the filing of that  
12 complaint. *Id.* Plaintiffs, however, have failed to show that this information could not  
13 have been brought to the Court’s attention with reasonable diligence. Therefore, the  
14 Court denies the motion for reconsideration.

15 **IT IS SO ORDERED.**

16 Dated this 10th day of June, 2013.

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19 BENJAMIN H. SETTLE  
20 United States District Judge  
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